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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,457	07/29/2003	Shuichi Ono	8017-1097	4834

466 7590 04/27/2005

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EXAMINER

CRANSON JR, JAMES W

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,457

Applicant(s)

ONO ET AL.

Examiner

James W. Cranson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/04, 7/29/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flange must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art (APA) in figure 1. APA figure 1 discloses the claimed invention except for the shape of the pushbutton switch and the shape of the presser.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a button with a cylindrical or prismatic shape and to incorporate a presser with a conical or pyramidal shape because it has been held that lacking any critically, changing the form or shape of prior art parts is within the skill of an ordinary person in the art and does not make the claimed invention patentable over that prior art(*In re Dailey*, 149 USPQ 47 (CCPA1976)).

As to claim 1, APA figure 1 illustrates the following elements: a pushbutton switch mechanism (figure 1) having a board (78) incorporating an electronic circuit thereon , a metal sheet contact (76) disposed on the board (figure 1), a light transmissive pushbutton disposed in an opening defined in a casing (figure 1) of the electronic device for being pressed from outside, the light transmissive pushbutton having an outer button (72) and a presser (75) connected to the outer button and disposed closer to the board for contacting the metal sheet contact (figure 1, 76), and a light emitting

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element (77) disposed on the board around the presser (figure 1) for applying light to a side surface of the presser (spec, p3, lines 11-15), the presser having a conical shape (spec, p3, line 10) having an upper surface as a bottom surface substantially aligned with a lower surface of the button and a vertex for contacting the metal sheet contact (figure 1)

As to claims 2 and 3, according to claim 1, wherein button is cylindrical or prismatic in shape and presser is conical or pyramidal in shape is addressed above by *In re Dailey*, 149 USPQ 47 (CCPA1976).

As to claim 6, according to claim 1, APA spec p 2, line 26 has the key top flange and the other limitations of claim 6 are in figure 1, the details are in specification in the discussion of figure 1 in particular on p 2, lines 20-26 and p 3 lines 1-24.

As to claims 7 and 8, according to claim 6, wherein button is cylindrical or prismatic in shape and presser is conical or pyramidal in shape is addressed above by *In re Dailey*, 149 USPQ 47 (CCPA1976).

As to claim 11, according to claim 1, APA figure 3 illustrates the following elements: a pushbutton switch comprising a transparent thin film (82) secured to the casing in covering relation to an interior space in the casing, a light-transmissive filler resin (83), and a light-transmissive soft rubber (84) sheet secured to the casing in covering

relation to the interior space in the casing beneath the film(specification p 4, lines 2-8) and the filler resin, the filler resin being filled in the film so as to have an upper surface projecting into said film to push film upwardly within the opening in the casing (specification p 4, lines 8-24, figure 3), the upper surface and the film jointly serving as the button (figure 3), and a lower surface projecting from the button and cooperating with the rubber sheet in forming the presser (figure 3), the film and the filler resin jointly serving as a key sheet which provides interconnected individual buttons, the film having an upper surface bonded to a lower surface of the casing, and a lower surface bonded to an upper surface of the rubber sheet (figure 3).

As to claims 12 and 13, according to claim 11, wherein button is cylindrical or prismatic in shape and presser is conical or pyramidal in shape is addressed above by *In re Dailey*, 149 USPQ 47 (CCPA1976).

Claims 4,5, 9,10,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (APA) in figures 1 and 3 as modified by *In re Dailey* for claims 1 and 11 in view of USPN 5,711, 588 to Rudisill.

APA does not disclose an electronic device or that the electronic device is a cell phone. Rudisill teaches the use of an illuminated pushbutton and an illuminating structure for the illuminated pushbutton in an electronic device that is a cellular phone unit. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate

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in the APA the teaching of Rudisill that the illuminated pushbutton is used a cellular phone. The reason as taught by Rudisill (column 1, lines 12-20) is that providing backlighting of keypads on cellular phones involves "common methods".

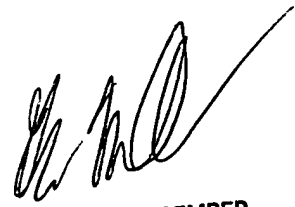
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




THOMAS M. SEMBER
PRIMARY EXAMINER